

"If the page filmed is not as  
legible as this label, it is  
due to the quality of the  
original."

Cal Bio Nuc

31262

86-11

685000

Issued on 12/17/86

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 9

In The Matter Of:

SUSANNE M. GRANT,  
ALLEN M. GOLDSTEIN

Respondents

PROCEEDING UNDER SECTION 106(a)  
OF THE COMPREHENSIVE ENVIRONMENTAL  
RESPONSE, COMPENSATION AND LIABILITY  
ACT OF 1980 (42 U.S.C. 9607(a))

ORDER

86-11

This Order is issued to SUSANNE M. GRANT, AND ALLEN M. GOLDSTEIN ("Respondents") pursuant to Section 106(a) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), 42 U.S.C. 9606(a), by authority delegated to the undersigned by the Administrator of the United States Environmental Protection Agency ("EPA"). Notice of the issuance of this Order has heretofore been given to the State of California.

The Director, Toxics and Waste Management Division, EPA Region 9 has determined that there may be an imminent or substantial endangerment to the public health or welfare or

1 to the environment because of an actual or threatened release  
2 of hazardous substances from a facility owned by John T. Vereuck  
3 and operated by California Bionuclear Corporation and the company's  
4 principal, Riad Mohamed Ahmed. Subsequently, Order 86-09 was issued  
5 on September 9, 1986 under Section 106(a) of the Comprehensive  
6 Environmental Response, Compensation and Liability Act of 1980  
7 (42 U.S.C. 9607(a)) directing Respondents Riad Mohamed Ahmed and  
8 John T. Vereuck to undertake actions to protect the public and  
9 the environment from this endangerment. This Order directs  
10 Respondents Susanne M. Grant and Allen M. Goldstein to participate  
11 in those actions already undertaken at the site in response to  
12 Order 86-09.

#### 13 FINDINGS OF FACT

##### 14 Background

15 1. From 1972 until March, 1984, Respondents Susanne M. Grant  
16 and Allen M. Goldstein operated a laboratory located at 7654 San  
17 Fernando Road, Sun Valley, California ("the facility").

18 2. From 1972 until March, 1984, Respondents Susanne M. Grant  
19 and Allen M. Goldstein were the owners and operators of California  
20 Bionuclear Corporation.

21 3. The United States Environmental Protection Agency currently  
22 has information which indicates that prior to March, 1984 hazardous  
23 substances and radioactive materials were improperly and unsafely  
24 stored at the facility. The improper storage of these materials  
25 contributed to the release or threatened release of hazardous  
26 substances into the environment.  
27  
28

1 4. California Bionuclear Corporation adds carbon-14, a  
2 radioactive element, to various chemicals for use as a tracer.  
3 The "tagged" chemicals are sold to various customers for research  
4 and industrial applications.

5 5. On August 22, 1985, the Los Angeles Fire Department  
6 conducted a routine inspection of the California Bionuclear  
7 facility. The fire inspector noted numerous fire and safety  
8 code violations, including the unsafe storage of flammable,  
9 combustible, reactive, explosive, corrosive, oxidizing, toxic and  
10 radioactive materials. A notice requiring immediate correction  
11 of the hazardous material storage violations was issued that  
12 same day.

13 6. On January 14, 1986, the Los Angeles Fire Department  
14 reinspected the facility to determine whether the violations  
15 cited on August 22, 1985 had been corrected. The fire inspector  
16 found that none of the violations had been corrected. A second  
17 notice was issued on January 15, 1986, detailing the storage  
18 violations and requiring corrective action by January 23, 1986.

19 7. As a result of the violations noted by the Los Angeles  
20 Fire Department, an Inspection/Search Warrant was issued by the  
21 Los Angeles County Municipal Court. The Inspection/Search Warrant  
22 was executed on January 17, 1986 by members of the Los Angeles  
23 Police Department, Los Angeles Fire Department, Los Angeles  
24 County Department of Health Services, California Department of  
25 Health Services, and the Los Angeles Bureau of Sanitation.

26 8. During the January 17, 1986 joint inspection of the  
27 facility, the Los Angeles County Department of Health Services  
28 ///

1 Radiological Management Unit conducted a radiation survey. Using  
2 a "geiger counter" the Radiological Management Unit found radio-  
3 active contaminated materials in a trash dumpster and on the  
4 ground near the trash dumpster behind the facility. Radiological  
5 monitoring also showed widespread radioactive contamination  
6 within the facility and on the floor area of a machine shop  
7 adjacent to the laboratory. Radioactive contamination was found  
8 throughout the facility on floors, laboratory benches, equipment,  
9 and in a rug in the front office.

10 9. During the January 17, 1986 inspection, the improper and  
11 dangerous storage conditions previously observed by the Fire  
12 Department were verified. Of particular concern to the health  
13 and safety agencies was the fire and explosion threat present  
14 within the laboratory and potential for releases of significant  
15 quantities of radioactive material in the event of a fire and/or  
16 explosion.

17 10. The facility has been closed since January 1986 under  
18 a preliminary and permanent injunction issued by the Los Angeles  
19 County Municipal Court

20 11. On September 4, 1986, in response to local fire and  
21 safety concerns, EPA inspected the facility and conducted a  
22 preliminary assessment of the dangers posed by this site to the  
23 surrounding community. As described in the following paragraphs,  
24 EPA determined that the facility presented an imminent and sub  
25 stantial endangerment to public health, welfare and the environment.

26 ///

27 ///

28 ///

1 ENDANGERMENT

2 12. Chemicals/Chemical Hazards: Approximately 3500 chemical  
3 containers ranging in size from 1 ounce to 5 gallons were present  
4 within the facility. Chemicals were generally stored in alphabeti-  
5 cal order without regard to compatibility, flammability or reac-  
6 tivity. In addition, hazardous substances were stored improperly  
7 or in containers of questionable integrity.

8 Several of the hazardous substances stored on-site presented  
9 a threat of fire or explosion. Flammable solvents present  
10 include 1,1,2-trichloroethane, pentane, methyl benzene and methyl  
11 acetate. Identified flammable metals include magnesium chips,  
12 potassium, and sodium. Flammable and combustible materials were  
13 not properly stored in flame-proof cabinets or explosion-proof  
14 refrigerators. The facility does not have separate hazardous  
15 material cabinets for the different classes of materials stored  
16 on-site which include corrosives, unstable chemicals, toxic  
17 chemicals, flammables, water-reactive compounds and explosives.

18 Of particular concern is the improper and unsafe storage of  
19 chemicals. Incompatible substances were stored in close proximity,  
20 such as bromine alongside organics and nitric acid near nitromethane.  
21 Cyanides (potassium and cuprous) were stored in the same general  
22 area with acids (nitric and sulfuric). Compressed gases such as  
23 anhydrous ammonia, hydrogen chloride and chlorine were stored in  
24 cylinders of questionable integrity and with rusty valves.  
25 Picric acid, a highly explosive substance, was stored in an open  
26 area of the facility.

27 ///

28 ///

1 Carbon-14, a beta-emitting radioactive substance, was stored  
2 and used on-site. Tritium, also a beta-emitting substance, has  
3 been stored on-site since sometime prior to March, 1984.

4 The entire laboratory is contaminated with radioactivity, as is a  
5 trash dumpster located behind the facility, the facility roof and  
6 roof vents, the rear door of the facility and a portion of an  
7 adjacent machine shop where water has leaked from the laboratory.  
8 Radiological monitoring conducted by the Los Angeles County  
9 Department of Health Services inside the laboratory measured  
10 elevated levels of beta radiation.

11 13. Population at Risk: In the event of a fire and/or  
12 explosion at the facility, radiation and several potentially  
13 toxic compounds would be released into the surrounding area. The  
14 facility is located in a mixed light-industrial and residential  
15 area; several homes are located immediately behind the facility.  
16 An elementary school is located within one-quarter mile of the  
17 facility. In the past, the current operator, Riad Mohamed Ahmed,  
18 has stated that an explosion of his laboratory could be expected  
19 to level a one-square block area and would probably require the  
20 evacuation of several city blocks.

21 CONCLUSIONS OF LAW

22 1. Respondents are persons as defined in Section 101(21)  
23 of CERCLA, 42 U.S.C. §9601(21).

24 2. Respondents, Susanne M. Grant and Allen M. Goldstein,  
25 operated the facility at the time hazardous substances were  
26 improperly stored and/or disposed, and are responsible parties  
27 as defined in Section 107(a)(3) of CERCLA, 42 U.S.C. §9607(a)(3).

28 ///

1 3. Many chemicals stored in the facility, including those  
2 listed in paragraph twelve in the Findings of Fact, are hazardous  
3 substances as defined in Section 101(14) of CERCLA, 42 U.S.C.  
4 §9601(14) and Title 40 of the Code of Federal Regulations Part  
5 300 [40 C.F.R. Part 300].

6 4. Carbon-14 and tritium are pollutants or contaminants as  
7 defined in Section 104(a)(2) of CERCLA, 42 U.S.C. §9604(a)(2).

8 DETERMINATIONS

9 Based upon the foregoing Findings of Fact and Conclusions  
10 of Law, the Director, Toxics and Waste Management Division, EPA  
11 Region 9 has made the following determinations:

12 1. The release or threatened release of hazardous substances  
13 and pollutants or contaminants at the facility may present an  
14 imminent and substantial endangerment to public health and welfare  
15 and the environment.

16 2. In order to prevent or to mitigate immediate and signifi-  
17 cant risk of harm to human life, health and to the environment,  
18 it is necessary that immediate removal action be taken to contain  
19 and prevent the release and potential release of hazardous sub-  
20 stances, pollutants or contaminants from the California Bionuclear  
21 facility.

22 3. The response measures ordered herein are consistent  
23 with the National Contingency Plan, 40 C.F.R. Part 300.

24 4. Respondents are the past owners and operators of the  
25 facility and are responsible for conducting the actions ordered  
26 herein, which are necessary to protect human health and the  
27 environment.

28 ///



1 5. The Respondents are jointly and severally liable for  
2 conducting the actions ordered herein.

3 ORDER

4 Based upon the foregoing Findings of Fact, Conclusions of  
5 Law and Determinations, Respondents are hereby ordered and  
6 directed to implement the following measures:

7 PARTICIPATION IN CLEANUP EFFORTS

8 1. The Respondents shall immediately begin participating in  
9 the EPA-approved cleanup operations currently underway at the site.  
10 These operations are required to do the following: (1) to abate  
11 any remaining chemical hazards at the site, (2) to decontaminate  
12 all areas of the facility which are contaminated with radioactive  
13 materials, and (3) to remove any chemical substances and radioactive  
14 wastes to a proper storage and/or disposal facility. Respondents  
15 shall fully implement these operations in a timely manner in  
16 accordance with the time schedules approved by EPA.

17 REPORTING REQUIREMENTS

18 2. Within thirty (30) days of completion of the activities  
19 outlined above, Respondents shall submit to EPA a report describ-  
20 ing the chemical removal and facility decontamination actions.

21 Respondent is further ordered as follows:

22 COMPLIANCE WITH APPLICABLE LAWS

23 In carrying out the terms of this Order, Respondents shall  
24 comply with all federal, state and local laws and regulations.  
25 All hazardous substances/wastes removed from the facility must be  
26 handled in accordance with Subtitle C of the Resource Conservation

27 ///

28 ///

1 and Recovery Act, 42 U.S.C. 6921 et seq, 40 CFR Parts 262, 263,  
2 and 265, and the California Hazardous Waste Control Act [Health  
3 and Safety Code § 25100 et seq].

4 SUBMITTALS

5 All submittals and notifications to EPA pursuant to this  
6 Order shall be made to:

7 Linda Nash, T-4-4  
8 Environmental Protection Agency, Region 9  
215 Fremont Street  
9 San Francisco, California 94105

10 Copies of all submittals and notifications shall be sent  
11 simultaneously to:

12 Angelo Bellomo  
Toxic Substances Control Division  
California Department of Health Services  
13 107 S. Broadway, Room 7128  
Los Angeles, California 90012

14 Keith Pritsker  
15 Assistant City Attorney  
Office of the Los Angeles City Attorney  
16 1600 City Hall East  
200 North Main Street  
17 Los Angeles, California 90012

18 Albert Ferguson  
Radiation Control  
19 Los Angeles County Department of Health Services  
2615 South Grand Avenue, 6th Floor  
20 Los Angeles, California 90007

21 All approvals and decisions of EPA made regarding such  
22 submittals and notifications shall be communicated to Respondents  
23 by the Director, Toxics and Waste Management Division, U.S.  
24 Environmental Protection Agency, Region 9. EPA will consult with  
25 above-listed regulatory agencies to ensure that the plans submitted  
26 pursuant to this Order are consistent with state and local require-  
27 ments. No informal advice, guidance, suggestions or comments by  
28 EPA regarding reports, plans, specifications, schedules or any

1 other writing shall be construed to relieve the Respondents of  
2 their obligation to obtain such formal approvals as may required  
3 herein.

4 ACCESS

5 Employees and authorized representatives of EPA, State  
6 Department of Health Services, Los Angeles Fire Department, and  
7 Los Angeles County Department of Health Services shall be granted  
8 access to the facility for the purpose of verifying compliance  
9 with the terms of this Order. Nothing in this paragraph is  
10 intended to limit in any way the right of entry or inspection  
11 that EPA or other agency may otherwise have by operation of law.

12 ON-SCENE COORDINATOR

13 EPA shall appoint an On-Scene Coordinator (OSC) who shall  
14 have the authority to be on-site at all times when response work  
15 is being undertaken pursuant to this Order. The OSC shall have  
16 the authority vested in the "On-Scene Coordinator" by 40 C.F.R.  
17 Part 300, et seq.

18 ENDANGERMENT DURING IMPLEMENTATION

19 In the event that the Director, Toxics and Waste Management  
20 Division, EPA, Region 9 determines that any activities conducted  
21 in furtherance of this Order cause or contribute to circumstances  
22 which endanger the health and welfare of people on the site or in  
23 the surrounding area or to the environment, the Director may  
24 order the Respondents to stop further implementation of this  
25 Order for such period of time as needed to abate the endangerment.

26 ///

27 ///

28 ///

GOVERNMENT LIABILITIES

The United States Government shall not be liable for any injuries or damages to persons or property resulting from the acts or omissions of the Respondent, its employees, agents or contractors in carrying out activities pursuant to this Order, nor shall the Federal Government be held as a party to any contract entered into by the Respondents, or its agents in carrying out activities pursuant to this Order.

PENALTIES FOR NONCOMPLIANCE

A willful violation or failure or refusal to comply with this Order, or any portion thereof, may subject you to a civil penalty of not more than \$25,000 per each day in which a violation occurs or such failure to comply continues, pursuant to the provisions of Section 106(b) of CERCLA, 42 U.S.C. §9606(b) or §109 of the Superfund Amendments and Reauthorization Act of 1986. Failure to comply with this Order, without sufficient cause, may also subject you to punitive damages in an amount up to three times the total of all costs incurred by the Government as a result of your failure to take proper action, pursuant to the provisions of Section 107(c)(3) of CERCLA, 42 U.S.C. §9607(c)(3).

EPA may take over the removal action at any time if EPA determines that Respondents are not taking appropriate action to mitigate the site hazard. In the event EPA assumes responsibility for the removal action, Respondent shall be liable for all costs incurred by EPA to mitigate the site hazard. EPA may order additional removal or remedial actions deemed necessary by EPA to protect the public health and welfare or the environment.

///

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

21  
22  
23  
24  
25  
26  
27  
28

22  
23  
24  
25  
26  
27  
28

25  
26  
27  
28

26  
27  
28

27	
28	

28

-12-

1 It is so ordered on this \_\_\_\_ day of December, 1986.

2  
3 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

4  
5 By: Jeff Zelikson

6 JEFF ZELIKSON  
7 ACTING DIRECTOR,  
8 TOXICS & WASTE MANAGEMENT DIVISION  
9 EPA, REGION 9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 Contact Persons:

2 Linda Nash  
3 Superfund Programs Branch (T-4-4)  
4 U.S. Environmental Protection Agency  
215 Fremont Street  
San Francisco, California 94105  
(415) 974-7231

5 William Lewis  
6 On-Scene Coordinator  
Emergency Response Section (T-3-3)  
7 U.S. Environmental Protection Agency  
215 Fremont Street  
8 San Francisco, California 94105  
(415) 974-7464

9 Jon Wactor  
10 Assistant Regional Counsel (ORC)  
U.S. Environmental Protection Agency  
11 215 Fremont Street  
San Francisco, California 94105  
12 (415) 974-8042

13 ///

14 ///

15 ///

16 ///

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///